

CSD 1161 [07/01/18]

Name, Address, Telephone No. &amp; I.D. No.

**Andrew H. Griffin, III 108378****275 E. Douglas Avenue, Suite 112****El Cajon, CA 92020****619 440-5000****108378 CA****UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA

325 West F Street, San Diego, California 92101-6991

In Re

**Scott I Talle**

Debtor.

BANKRUPTCY NO. **20-04763-LT13**

Moving Party

RS NO. **NLG-1****Scott I Talle**Hearing Date: **July 13, 2023**  
Hearing Time: **10:00 am**

Respondent(s)

**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY****REAL PROPERTY****PERSONAL PROPERTY**

Respondent in the above-captioned matter moves this Court for an Order denying relief from the automatic stay on the grounds set forth below.

1. A Petition under Chapter ☐ 7 ☐ 11 ☐ 12 ☒ 13 was filed on 9/25/20.
2. Procedural Status:
  - a. ☒ Name of Trustee Appointed (if any): **Thomas Billingslea**
  - b. ☒ Name of Attorney of Record for Trustee (if any): **Maureen A Enmark**
  - c. ☒ Debtor has previously filed a Bankruptcy Petition on: 8/14/12.  
If applicable, the prior case was dismissed on:     .
  - d. ☒ (If Chapter 13 case): Chapter 13 Plan was confirmed on 11 /24 2020/ or a confirmation hearing is set for     .
3. \*Number of unsecured creditors     . Amount of unsecured debt \$ 9,046.21.
4. \*Last operating report filed:
5. \*Disclosure statement: Filed? (yes/no)     . Approved? (yes/no)     .  
If yes, date of plan confirmation hearing:

\*Only required if respondent is the debtor in a Chapter 11 case.

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Respondent alleges the following in opposition to the Motion:

1. ☒ The following real property is the subject of this Motion:
  - a. Street address of the property including county and state:  
**344 North Letton St., Ramona, CA 92065-3026 (San Diego County)**
  - b. Type of real property (e.g., single family residence, apartment building, commercial, industrial, condominium, unimproved):  
  
Single Family Residence
  - c. Legal description of property is attached as Exhibit A.
  - d. \*\*Fair market value of property: \$ 761,000.00.
  - e. \*\*Nature of Respondent's interest in the property:
2. ☐ The following personal property is the subject of this Motion (*describe property*):  
  
472,838
  - a. \*\*Fair market value of property: \$\_\_\_\_\_.
  - b. \*\*Nature of Respondent's interest in the property:
3. Status of Movant's loan:
  - a. Balance owing on date of Order for Relief: \$ 472,838.04
  - b. Amount of monthly payment: \$ 2,487.29
  - c. Date of last payment: 6/1/2023
  - d. If real property,
    - (1) Date of default: None
    - (2) Notice of Default recorded on: \_\_\_\_\_
    - (3) Notice of Sale published on: \_\_\_\_\_
    - (4) Foreclosure sale currently scheduled for: \_\_\_\_\_
  - e. If personal property,
    - (1) Pre-petition default: \$ \_\_\_\_\_ No. of months: \_\_\_\_\_
    - (2) Post-petition default: \$ \_\_\_\_\_ No. of months: \_\_\_\_\_
4. (*If Chapter 13 Case, state the following:*)
  - a. Date of post-petition default: None
  - b. Amount of post-petition default: \$ \_\_\_\_\_
5. Encumbrances:
  - a. Voluntary encumbrances on the property:

| Lender Name           | Principal Balance | Pre-Petition Arrearages Total<br>Amount - # of Months |  | Post-Petition Arrearages<br>Total Amount - # of Months |   |
|-----------------------|-------------------|---|--|--|---|
| 1st:                  | 312,629           |   |  | 0  | 0 |
| 2nd:                  |                   |   |  |  |   |
| 3rd:                  |                   |   |  |  |   |
| 4th:                  |                   |   |  |  |   |
| Totals for all Liens: | \$312,629         | \$  |  | \$   |   |

\*\* Separately filed Declaration required by LBR 4001-4.

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- b. Involuntary encumbrances of record (e.g., tax, mechanic's, judgment and other liens, lis pendens):  
☐ See attached page, if necessary.

6. Relief from the automatic stay should not be granted because:

- a. ☒ Movant's interest in the property described above is adequately protected.
- b. ☒ Debtor has equity in the property described above and such property is necessary to an effective reorganization.
- c. ☐ The property is not "single asset real estate", as defined in 11 U.S.C. § 101(51B).
- d. ☐ The property is "single asset real estate", as defined in 11 U.S.C. § 101(51B), and less than 90 days (or \_\_ days ordered by this court) have passed since entry of the order for relief in this case, or
- (1) the Debtor/Trustee has filed a plan of reorganization that has a reasonable possibility of being confirmed within a reasonable time; or
- (2) the Debtor/Trustee has commenced monthly payments to each creditor whose claim is secured by the property (other than a claim secured by a judgment lien or by an unmatured statutory lien) which payments are equal to interest at a current fair market rate on the value of each creditors' interest in the property.
- e. ☐ Other (*specify*): ☒ See attached page.

When required, Respondent has filed a separate Declaration pursuant to Local Bankruptcy Rules 4001-4.

Respondent attaches the following:

1. ☐ Other relevant evidence:
2. ☐ (*Optional*) Memorandum of points and authorities upon which the responding party will rely.

WHEREFORE, Respondent prays that this Court issue an Order denying relief from the automatic stay.

Dated: June 8, 2023

/s/ Andrew H. Griffin, III  
[Attorney for] Respondent

